

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

TRACFONE WIRELESS, INC.,)	
)	
Petitioner,)	
)	
vs.)	Misc. No. 10-177
)	
ANADISK, LLC., and DAVUT KILINC,)	
a/k/a DAVID KILINC, individually,)	
)	
Respondents.)	

AMBROSE, District Judge

MEMORANDUM ORDER OF COURT

On June 30, 2010, at 12:30 p.m., I held a hearing on a Rule to Show Cause Why Respondents should not be held in Contempt of Court for failure to comply with the subpoenas served on them by Petitioner for depositions and production of records. Also on June 30, 2010, Petitioner filed a formal Motion for Order of Contempt. (Docket No. 7). Respondents were served with notice of the hearing but failed to appear. (Docket Nos. 5-6, 8).

At the hearing, Petitioner's counsel stated for the record the numerous efforts he had made to both serve and contact Respondents. Respondents were served with the subpoenas and Respondents failed to appear. (Docket Nos. 3-6). Based on the same, I find by clear and convincing evidence that valid orders of court, in the form of both subpoenas and an order, existed; that Respondents had knowledge of the same based on valid service; and that the Respondents violated the orders by failing to appear. Thus, I find Respondent in contempt of court.

THEREFORE, this 6th day of July, 2010, it is ordered that Petitioner's Motion for Contempt Order (Docket No. 7) is granted.

It is further ordered that the Clerk of Court issue an arrest warrant for Respondents, Davut Kilinc, both individually, and as corporate representative for AnaDisk LLC located at 2548

Brownsville Road, Pittsburgh, Pennsylvania 15210. Davut Kilinc shall be remanded to the custody of the United States Marshal and taken to the detainment facility located nearest to the Pittsburgh Division of the United States District Court for the Western District of Pennsylvania and there remain incarcerated until such time as he agrees to purge himself of contempt by agreeing to appear and sit for his deposition. At such time, the U.S. Marshal is directed to bring Davut Kilinc before this Court for the purposes of making a record of his agreement and the taking of his deposition.

BY THE COURT:

/s/ Donetta W. Ambrose

Donetta W. Ambrose
United States District Judge